



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,629	05/13/2001	Mary Lou Floyd		5777

7590 03/16/2005
Abelman Frayne & Schwab
150 East 42nd St
New York, NY 10017-5612

EXAMINER

FADOK, MARK A

ART UNIT	PAPER NUMBER
----------	--------------

3625

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,629

Applicant(s)

FLOYD, MARY LOU

Examiner

Mark Fadok

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

The examiner is in receipt of applicant's response to office action mailed 5/7/2004, which was received 11/8/2004. Acknowledgement is made to the cancellation of claims 1 and 2, along with the addition of new claims 3-18. The specification objection and the USC 112 rejection have been overcome and are therefore removed. Applicant's remarks related to the rejection on the merits was persuasive, however upon further search the examiner provided a new basis of rejection that was necessitated by amendment.

Drawings

The drawings filed on 11/8/2004 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftsperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

New Matter Objection

The amendment filed 11/8/2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The examiner has attempted to verify if all the information contained in paragraphs 50 and 51 of the amended specification was contained in the original specification, but was unsuccessful

due to the legibility of the provided amendment. The applicant is requested to type the information and provide it double-spaced. The examiner also requests that the applicant identify relations to all features found in these paragraphs, the new claims along with the newly provided drawings and identify each features correlation with the original disclosure. Any feature that cannot be related directly to the original disclosure will be considered new matter. Applicant is requested to provide this information in the next office action.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In this case the use of the phrase enhanced URL page is indefinite because it does not specifically point out what an enhanced URL page is intended to encompass.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 3-5,7-9,11,13 and 15-17 are rejected under 35 U.S.C. 102(a) as being anticipated by Thomas Register (a group of 5 articles and websites listed on the accompanying 892 listed as 1 through 5).

In regards to claim 3, Thomas Register discloses a method for searching a computer network for a product associated with a brand name, the method comprising the steps of

inputting a query message into an online device accessing a portal to a predetermined website (Thomas Register (3),

wherein the query message approximates the brand name associated with the product (Thomas Register (3), step 2);

searching a plurality of brand names for a first match of the query message with a matching brand name (Thomas Register (4), FAQ 4); and

outputting a first uniform resource locator (URL) address associated with the matching brand name and providing information about the product (Thomas Register (4), FAQ 7).

In regards to claim 4, Thomas Register teaches wherein the brand name is selected from the group consisting of a company name of a desired company and a product line name of a specific product line (Thomas Register (3), step 2).

In regards to claim 5, Thomas Register teaches wherein the online device is computer (Thomas Register (1), page 2).

In regards to claim 7, Thomas Register teaches the step of
accessing an Internet-based website using the first URL address
associated with the matching brand name (Thomas Register (4), FAQ 7).

In regards to claim 8, Thomas Register teaches wherein the Internet-based website is distinct from the predetermined website associated with the portal (Thomas Register (4), FAQ 7, company web link verses Thomas register website).

In regards to claim 9, Thomas Register teaches wherein the step of accessing an Internet based website using the first URL address includes the step of accessing an enhanced URL page associated with the matching brand name (Thomas Register (4), FAQ 7).

In regards to claim 11, Thomas Register discloses a method for searching a computer network for a product associated with a brand name, the method comprising the steps of

inputting a query message into an online device accessing a portal to a predetermined website,

wherein the query message approximates the brand name associated with the product, and

wherein the brand name is selected from the group consisting of a company name of a desired company and a product line name of a specific product line;

searching only a plurality of brand names for a first match of the query message with a matching brand name; and

outputting a first uniform resource locator (URL) address associated with the matching brand name and providing information about the product (see response to claims 3-5 and 7-9).

In regards to claim 12, Thomas Register teaches the step of accessing an Internet-based website using the first URL address associated with the matching brand name (see response to claim 7).

In regards to claim 13, Thomas Register teaches wherein the online device is computer (see response to claim 5).

In regards to claim 15, Thomas Register discloses a system for searching a computer network for a product associated with a brand name, the system comprising:

- an online device for accessing a portal to a predetermined website and for receiving from a user an inputted query message into the online device,
- wherein the query message approximates a brand name, and
- wherein the brand name is selected from the group consisting of a company name of a desired company and a product line name of a specific product line; and
- means associated with the website for searching only a plurality of brand names for a first match of the query message with a matching brand name;
- wherein the online device outputs a first uniform resource locator (URL) address associated with the matching brand name and providing information about the product (see response to claim 7).

In regards to claim 16, Thomas Register teaches wherein the online device, responsive to the first URL address, accesses an Internet-based website using the first URL address associated with the matching brand name (see response to claims 3-5 and 7-9).

In regards to claim 17, Thomas Register teaches wherein the online device is computer (see response to claim 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6,10,14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas Register in view of Official Notice.

In regards to claim 10, Thomas Register teaches accessing a URL containing additional information for the customer, but does not specifically mention that the information is selected from the group consisting of special promotions, store locations, store hours, phone numbers, and current sales. The information in the groups consisting of special promotions, store locations, store hours, phone numbers, and current sales being contained on vendors websites was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include on the vendors websites groups consisting of special promotions, store locations, store hours, phone numbers, and current sales, because this information is notoriously well known as an effective means to market the vendors products and store locations and to help increase sales.

In regards to claim 6,14, and 18, Thomas Register teaches providing information online to a computer, but does not specifically mention that the device is an interactive television. The use of interactive television as a means for providing information from the Internet was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include interactive television as means for providing the information to a consumer, because this would increase the usage of the website by allowing consumers that only have interactive television to access the website and thus increase the visibility of the vendors on the website.

Response to Arguments

Applicant's arguments with respect to claims 3-18 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

Art Unit: 3625

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(703) 605-4252**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(703) 308-1344**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(703) 872-9306

[Official communications; including

After Final communications labeled

Art Unit: 3625

"Box AF"]

(703) 746-7206 [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

A handwritten signature in black ink, appearing to read 'Mark Fadok', with a long horizontal flourish extending to the right.

Mark Fadok

Patent Examiner